

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
GISSELLE RUIZ, )  
individually and on behalf of all others )  
similarly situated, )  
Plaintiff ) Civil Action No.  
 ) 05-11052-NMG  
 )  
v. )  
 )  
BALLY TOTAL FITNESS HOLDING CORP., )  
a Delaware Corporation, and )  
HOLIDAY UNIVERSAL, INC. )  
a Delaware Corporation, )  
Defendants. )  
\_\_\_\_\_  
)

**JOINT MOTION TO EXTEND SCHEDULING DEADLINES**

Plaintiff, Giselle Ruiz, ("Ms. Ruiz") and Defendants, Bally Total Fitness Holding Corporation and Holiday Universal, Inc , (collectively, "Bally's") hereby jointly move this Court to extend the current scheduling deadlines contained in the Court's November 29, 2005 scheduling order [Docket No. 23] according to the following proposed schedule. As grounds for this motion, the parties state as follows:

1. On May 9, 2006, Bally's filed a Motion To Stay Discovery to which Ms. Ruiz responded on May 22, 2006.
2. The court has not yet ruled on Bally's motion.
3. On or about May 23, 2006, Bally's, through counsel, contacted counsel for Ms. Ruiz to request an extension of time to respond to her discovery requests until July 5, 2006.
4. Ms. Ruiz consented to the extension.

5. With the agreed to extension for Bally's to respond to Ms. Ruiz's discovery requests, all other deadlines will be affected. For example, the current deadline set for Ms. Ruiz's motion for class certification is July 14, 2006, currently leaving Ms. Ruiz's counsel a period of approximately 10 days to prepare it after receiving discovery.

6. Accordingly, the parties request that this Court extend the scheduling deadlines as follows:

<u>Deadline set 11/29/05</u>	<u>Proposed new deadline</u>	<u>Event</u>
May 29, 2006	July 5, 2006	Written discovery deadline, class certification
June 29, 2006	August 3, 2006	Written discovery responses
[not specifically set]	September 5, 2006	Deposition deadline, class certification
July 14, 2006	September 15, 2006	Motion for class certification
July 31, 2006	October 5, 2006	Opposition to motion for class certification
August 15, 2006	October 19, 2006	Joint status report, mediation
August 18, 2006 at 3:00	October 23, 2006 at 3:00	Hearing, class certification
October 2, 2006	December 8, 2006	Automatic disclosures, merits
November 29, 2006	February 8, 2007	Written discovery deadline, merits
December 29, 2006	March 12, 2007	Written discovery responses
January 29, 2007	April 12, 2007	Non-expert deposition deadline
February 28, 2007	May 14, 2007	Expert disclosures and Rule 26 expert reports
May 1, 2007	July 16, 2007	Expert deposition deadline

<u>Deadline set 11/29/05</u>	<u>Proposed new deadline</u>	<u>Event (cont...)</u>
May 29, 2007	August 16, 2007	Dispositive motion deadline
June 30, 2007	September 17, 2007	Dispositive motion oppositions
August 17, 2007, 3:00	October 8, 2007, 3:00	Final pre-trial conference
October 8, 2007	December 10, 2007	Trial

WHEREFORE, the parties request that this court grant this motion and the deadlines contained therein and such other and further relief as it deems appropriate.

Respectfully submitted,

GISSELLE RUIZ,

Plaintiff,

By her counsel,

/s/ John Roddy

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BALLY TOTAL FITNESS HOLDING  
 CORP. and HOLIDAY UNIVERSAL INC.,

Defendants,

By their counsel,

/s/ Erica Tennyson

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Dated: May 25, 2006

**CERTIFICATE OF SERVICE**

I, Erica Tennyson, hereby certify that the Joint Motion to Extend Scheduling Deadlines filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 25, 2006.

/s/ Erica Tennyson  
Erica Tennyson